

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION**

**JILL DILLARD, JESSA SEAWALD,  
JINGER VUOLO, and JOY DUGGAR**

**PLAINTIFFS**

**VS.**

**NO. 17-CV-05089-TLB**

**CITY OF SPRINGDALE, ARKANSAS;  
WASHINGTON COUNTY, ARKANSAS;  
KATHY O'KELLEY, in her individual  
and official capacities;  
RICK HOYT, in his individual and official capacities;  
STEVE ZEGA, in his official capacity;  
BAUER PUBLISHING COMPANY, L.P.;  
BAUER MAGAZINE L.P.;  
BAUER MEDIA GROUP, L.P.;  
BAUER, INC.;  
HENRICH BAUER NORTH AMERICA, INC.;  
BAUER MEDIA GROUP USA, LLC; and  
DOES 1-10, inclusive**

**DEFENDANTS**

**MOTION TO DISMISS  
BY WASHINGTON COUNTY DEFENDANTS**

Comes now the Separate Washington County Defendants, Rick Hoyt, in his individual and official capacities, Steve Zega, in his official capacity only, and Washington County, Arkansas (referred to collectively herein as the "Washington County Defendants") and for their Motion to Dismiss Plaintiff's Complaint (Docket #1) do state the following:

1. The Plaintiffs filed their Complaint in this case on May 18, 2017, alleging, *inter alia* and under state and federal law, that their statutory and constitutional privacy rights were violated when Washington County and a Major in its Sheriff Department, allegedly disclosed a redacted police report arising from the Plaintiffs' molestation by their brother. Doc. # 1.

2. For the reasons set forth in the accompanying brief in support and in the Separate Springdale Defendants' motion to dismiss brief (Doc. # 22), which are adopted and incorporated herein as if set forth word for word, the Defendants are entitled to qualified immunity and dismissal of the Plaintiff's Complaint as a matter of law.

3. Per the Federal Rules of Civil Procedure, the Defendants reserve the right to file an Answer and do not waive any affirmative or other defenses, which are all raised, reserved, and/or

asserted herein.

4. The Defendants respectfully demand a trial by jury in this case.

WHEREFORE, the Defendants respectfully request that the Plaintiff's Complaint be dismissed and that they be granted qualified immunity.

Respectfully submitted,

Rick Hoyt, in his individual and official capacities,  
Steve Zega, in his official capacity only, and  
Washington County, Arkansas,  
*Separate Washington County Defendants*

RAINWATER, HOLT & SEXTON, P.A.  
P.O. Box 17250  
801 Technology Drive  
Little Rock, Arkansas 72222-7250  
Telephone (501) 868-2500  
Telefax (501) 868-2505  
[email:owens@rainfirm.com](mailto:owens@rainfirm.com)

By: /s/Jason E. Owens  
Michael R. Rainwater, #79234  
Jason E. Owens, #2003003

#### **CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of July, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will provide notice to all counsel of record.

/s/ Jason E. Owens  
Jason E. Owens  
Attorney for Defendants  
RAINWATER, HOLT & SEXTON, P.A.  
P.O. Box 17250  
801 Technology Drive  
Little Rock, Arkansas 72222-7250  
Telephone (501) 868-2500